



California Regulatory Notice Register

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Dinuba Joint Union High School District

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **September 22, 2011**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on September 20, 2011**.

BACKGROUND/OVERVIEW

The Act creates two basic categories of payments made to a candidate: contributions and gifts. Generally, a “contribution” includes “a payment, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.” (Section 82015(a).) A “gift” is “any payment that confers a *personal benefit* on the recipient, to the extent that consideration of equal or greater value is not received” (Section 82028(a).) These categories assist in determining how a particular payment should be reported and also determines what, if any, limits apply.

Additional descriptors and exceptions apply to those payments that are classified as contributions. For example, a payment “made at the behest of” a committee is a contribution to the committee unless full and adequate

consideration is received. (Section 82005(b)(1).) Similarly, payments made at the behest of a candidate are also contributions, unless certain factors apply. A payment is made at the behest of a candidate whenever it is made “under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of” a candidate. (Section 82015; Regulation 18225.7.)

In pertinent part, Section 82015(b)(2)(B)(iii) establishes a third type of payment subject to a unique reporting scheme. Section 82015(b)(2)(B)(iii) provides that even if a payment is made “at the behest” of an elected officer or a member of the Public Utilities Commission (“PUC”),² it is not considered a contribution to that officer if it is made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. Referred to as “behested payments,” the payment must still be reported. The officer must file a report detailing the payment if the payment is principally for a legislative, governmental or charitable purpose and the aggregate amount is \$5,000 or more.

This report, known as a “behested payment report,” must be filed within 30 days with the officer’s agency when the amount of the payment, or aggregate payments for similar purposes made at the behest of the officer by the same source, is \$5,000 or more in a calendar year. The purpose of the “behested payment” provision in Section 82015 is to capture reporting for payments that are not direct contributions to elected officials, but that the public would want to see in periodic reports. That is, the purpose is to provide disclosure of payments when there might be a potential for influence over a public official.

As noted above, under the statute, a donation to a charitable organization is made at the behest of an elected official only if the payment is solicited, requested, or suggested by the elected official or otherwise made to the organization in cooperation, consultation, coordination with, or with the consent of the elected official. Behested payments reporting also applies when donations to charitable organizations are solicited by an elected official or by staff or an agent acting for that elected official, such as their chief of staff, director or other staff.

This broad definition of “at the behest,” however, has led to some odd results. For example, in the *Filchev* Advice Letter, No. I-09-073, we were asked whether if a member of the PUC was on the board of directors, an advisory council, or a fundraising committee of a charitable organization, a donation to the organization is a re-

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² As of January 1, 2009, the California Public Utilities Commission is included for purposes of Section 82015(b)(2)(B).

portable behested payment. We advised that a donation to a charitable organization is not a reportable behested payment merely because an elected official serves on the board of directors, an advisory council, or a fundraising committee of the organization and the official's name is listed on a solicitation. In addition, a donation to a charitable organization in response to a letter soliciting a donation is not necessarily a reportable behested payment if the name of an elected official holding a position with the organization is identified in the letterhead or the text of the letter. *Id. Filchev* stated, however, that if the solicitation letter is signed by the elected official or a reasonable person could conclude the letter is from or on behalf of the elected official, a donation will be a reportable behested payment. *Id.*

In light of the *Filchev* Advice Letter and other letters (e.g., *Peth* Advice Letter, A-11-063, advising that listing the Governor's name as co-chairman on a letter from the Governor's Council on Physical Fitness and Sports does not create a behested payment when neither the Governor, nor his staff would be soliciting contributions), staff has identified a need to clarify, by regulation, under what scenarios a behested payment occurs.

Staff held an interested persons meeting on July 14, 2011 to hear public input on possible regulation language. The meeting yielded many useful comments that informed a revision to the proposed regulation language.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18215.3:

Given the comments above, the Commission will consider creating standards for determining whether a communication rises to the level of a behested payment for purposes of Section 82015(b)(2)(B)(iii). Staff incorporated these suggestions into the language found in the draft regulation.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 82015.

CONTACT

Any inquiries should be made to Heather M. Rowan, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Dinuba Joint Union High School District

A written comment period has been established commencing on **August 19, 2011** and closing on **October 3, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention: Cyndi Glasner, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized representative requests, no later than 15

days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **October 3, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODE

ADOPTION

MULTI-COUNTY: Para Los Niños, Incorporated

AMENDMENT

MULTI-COUNTY: Sacramento Area Flood Control Agency
Hartnell Community College
District
College of the Sequoias

A written comment period has been established commencing on **August 19, 2011** and closing on **October 3, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra

Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 3, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

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There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

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Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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BACKGROUND/OVERVIEW

The Act, among other things, requires public officials to disclose financial information concerning their in-

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vestments. The Commission is considering adoption of Regulation 18728.6 to clarify what types of investments must be reported.

Section 82034 provides that the term “investment” does not include an interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a). The Commission is often asked for advice regarding the reporting requirements of various types of investments, some of which either did not exist or were not commonly held in 1978, when the mutual fund exception was adopted. Of particular concern to requestors are investments in funds over which they have no control and that share other characteristics with mutual funds.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18728.6:

Proposed Regulation 18728.6 seeks to interpret and clarify the mutual fund exception in Section 82034 by providing that investments in funds that share key characteristics with mutual funds are exempt from reporting. Staff examined the key characteristics of diversified, registered mutual funds and is using those characteristics to establish criteria for determining whether a fund is exempt from reporting. The purpose of this regulation is to treat these funds the same as mutual funds for reporting purposes. Investment in these funds would continue to be subject to the Act’s conflict-of-interest rules.

The Four Criteria

(1) Diversified bona fide investment fund that pools money from more than 100 investors and invests the money in stocks, bonds, or other securities; and

(2) The fund holds securities of more than 15 issuers.

The first criterion combines the basic definition of “mutual fund” with a requirement that the fund must have more than 100 investors. The requirements that a fund must have more than 100 investors and invest in securities of more than 15 issuers are based on SEC² registration requirements. Only funds that have more than 100 investors are required to register with the SEC. Once registered, a diversified mutual fund must invest in securities of more than 15 issuers. (15 U.S.C. 80a–5).

(3) The public official does not exercise responsibility for the management or investment of government funds.

Exceptions to reporting requirements are intended to be narrow. In adapting the statutory language to today’s investment vehicles, staff is mindful that the proposal should not inadvertently eliminate current relevant and useful disclosure. Therefore, staff proposes narrow lan-

guage to ensure that the public continues to receive information on how public officials, who invest public funds, invest their own money. This disclosure alerts the official and the public to the possibility of a conflict of interest.

(4) The public official does not influence or control the selection of any specific investment purchased and sold by the fund.

This criterion, like the first, is based on the definition of “mutual fund” as a fund in which investors have no influence or control in selecting specific investments.

Exchange Traded Funds

The proposed regulation also simplifies reporting by expressly stating that exchange traded funds (“ETFs”) and investments held in a plan qualified under Sections 401(k), 403(b) or 457 of the Internal Revenue Code are exempt, so long as they meet the four criteria. One of the most often asked investment-reporting question is whether ETFs or employee plans are reportable.

An ETF is an investment fund traded on stock exchanges, much like stocks, that pools investor money to purchase stocks, bonds and other securities. ETFs are similar to mutual funds in the following ways: (1) they take money from the collective group and pool it together to invest in securities; (2) individual investors have no control over the choice of individual holdings that make up the fund; (3) funds are professionally managed by money managers; (4) shares have high liquidity; and (5) funds are diversified by investing in many stocks.

Employee Plans

Investments held in an employee plan qualified under Sections 401(k), 403(b) and 457 of the Internal Revenue Code are similar to mutual funds in the same ways as ETFs, except that interests in employee plans are not liquid.

Decision Points 1 and 2

It has been suggested that “closed-end” funds should be treated the same as mutual funds and ETFs. Unlike a mutual fund, a “closed-end” fund does not continuously offer its shares for sale. Rather, it sells a fixed number of shares at one time, after which the shares are traded on stock exchanges. Unlike mutual funds, closed-end funds are not “redeemable,” meaning that the fund is not required to buy back its shares from investors. Closed-end funds are similar to mutual funds in the same ways as employee plans.

The decision points offer the choice of whether to treat closed-end funds the same as mutual funds and ETFs. Closed-end funds are similar to mutual funds in the same ways as ETFs. There is no reason to treat them differently. However, staff believes most public officials do not know what a closed-end fund is. If they are confused by the term, use of it would be at odds with a

² Securities and Exchange Commission.

primary reason for this regulation: to simplify the task of reporting.

If closed-funds are added, the change will be made in subdivision (b) which sets forth the presumption regarding the number of investors and issuers, and subdivision (c), which specifies funds that are not reportable.

Definition of “Diversified”

The proposed regulation interprets the term “diversified” which appears in Section 82034 but is not defined in the Act. Advice letters interpreting “diversified” have used the definition in the Investment Company Act of 1940 (*supra*),³ but the complexity of that definition has caused it to be largely ignored. The definition in the proposed regulation is simpler in that it does not require complex calculations based on information that is not readily available to an investor.

In addition, the proposed regulation adds a new requirement that a diversified fund is one that invests in a diversity of industries, not just diversity of individual issuers of securities. The narrower definition looks only to holdings in a *single corporation’s stocks*. The broader definition requires that holdings cannot be concentrated in a *single industry*. (These funds are commonly called “sector funds.”)

SCOPE

The Commission may adopt or reject all or part of the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act (Gov. Code Secs. 81000–91014).

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Section 82034.

CONTACT

Any inquiries should be made to Valentina Joyce, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC, or email vjoyce@fppc.ca.gov.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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BACKGROUND/OVERVIEW

Regulation 18404.1 currently sets forth the requirements for committees to terminate, as provided by Section 84214. Section 84214 provides that “committees and candidates shall terminate their filing obligation pursuant to regulations adopted by the Commission which insure that a committee or candidate will have no activity which must be disclosed pursuant to this chap-

³ “A diversified company means a management company which meets the following requirements: At least 75 per centum of the value of total assets is represented by cash and cash items (including receivables), Government securities, securities of other investment companies, and other securities for purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets of such management company and to not more than 10 per centum of the outstanding voting securities of such issuer.” (31 U.S.C. — Section 5.(b)(1).)

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

ter subsequent to the termination.” In many cases, committees terminate shortly after the election in order to avoid continuing filing obligations and bank fees.

However, the Commission has frequently received advice requests from committees that have terminated seeking information about accepting refunds after termination. On many occasions the Legal Division has advised committees that they may accept refunds without reopening for purposes of administrative efficiency. On occasion the Legal Division has also advised a committee to seek permission from the Executive Director in order to reopen to accept a refund as required by Regulation 18404.1. (*Statham* Advice Letter No. I-94-389, *Warren* Advice Letter No. A-11-060; *Hill* Advice Letter No. A-11-090)

Most refunds that committees seek to receive after termination are from governmental entities or from vendors used by the committees. Under the current scheme, committees have been granted permission to reopen to receive refunds or to accept refunds without reopening. These refunds have generally been for less than \$10,000. Many of the refunds were then transferred to other committees.

To require a committee to send a specific request to the Commission asking to reopen and to require the reopening of a terminated committee and its bank account for the sole purpose of receiving a refund to transfer to an active committee has proven to be administratively cumbersome and unnecessary in many cases both for committees and for the Commission. However, staff also recognizes that when a refund is from an entity other than the government, there should be some oversight by the Commission when those refunds reach a certain threshold.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18404.1

These amendments seek to allow committees that have terminated to accept refunds from governmental entities and unexpected refunds from any other entities totaling \$10,000 or less after termination and transfer them to other committees as if the refunds had been received prior to termination. A committee receiving a refund would not be required to reopen, nor would the refund be required to be deposited in the terminated committee’s bank account. If the refund is transferred to a new committee, it would be reported as if it had been received before termination and attributed accordingly when transferred to the new committee.

Comments were also received at an Interested Persons Meeting from the regulated community requesting

that the Commission also review a process for allowing committees to receive funds from uncashed checks written by the committee after termination. Staff will not be addressing that concern with these amendments. Tracking the cashing of checks will remain the responsibility of the Committee. The Committee should be aware of uncashed checks prior to termination if proper accounting practices are followed. Committees will still have the option of requesting reopening from the Commission to accept such funds.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 84214.

CONTACT

Any inquiries should be made to Sukhi K. Brar, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

**TITLE 10. MANAGED RISK MEDICAL
INSURANCE BOARD**

**NOTICE OF PROPOSED RULEMAKING
ER-02-11**

**TITLE 10: CALIFORNIA CODE
OF REGULATIONS
CHAPTER 5.8 MANAGED RISK MEDICAL
INSURANCE BOARD
HEALTHY FAMILIES PROGRAM**

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on October 10, 2011, at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing, MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board
Attn: Alexa Malik (ER-2-11)
1000 G Street, Suite 450
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to amalik@mrrib.ca.gov. Comments must be received by no later than 5:00 p.m. on October 10, 2011.

AUTHORITY AND REFERENCE

Authority: Section 12693.21 and 12693.22, Insurance Code.

Reference: Sections 12693.21, 12693.22, and 12693.63, Insurance Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Healthy Families Program (HFP) is California's state- and federally-funded Children's Health Insurance Program (CHIP), established pursuant to Title XXI of the federal Social Security Act. MRMIB administers HFP. HFP provides comprehensive health, dental, and vision insurance to low-income children under age 19 with family income above the Medi-Cal income eligibility levels. (Insurance Code sections 12693 et seq.). Approximately two-thirds of the funding for HFP is provided by the federal CHIP. (42 U.S.C. 1397aa et seq.).

Insurance Code section 12693.63(d)(1) provides:

The board may establish a cap on the amount of dental coverage provided to a subscriber in a given benefit year effective on and after the first day of the fifth month following enactment of the 2008-09 Budget Act. This dental coverage cap shall not be lower than one thousand five hundred dollars (\$1,500) per subscriber per benefit year.

In 2008 the Board adopted regulations establishing the \$1,500 dental cap. The regulations became effective January 15, 2009. The statute is permissive; there is no requirement that the Board establish a cap. At its June 15, 2011 meeting, the Board determined to remove the cap.

On June 30, 2011, MRMIB submitted to the Office of Administrative Law (OAL) the request for emergency approval of the proposed regulations. The emergency regulations were approved by OAL and were effective July 8, 2011.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies.

COSTS OR SAVINGS TO STATE AGENCIES

The proposal does not result in any costs or savings to any state agency.

**COSTS OR SAVINGS IN FEDERAL FUNDING
TO THE STATE**

None.

BUSINESS IMPACT/SMALL BUSINESS

The MRMIB has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by Section 11342.610. It has no impact at all on an entity that is not a state agency as defined in section 11000 of the California Government Code.

**ASSESSMENT REGARDING EFFECT ON
JOBS/BUSINESSES**

The MRMIB has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS**

The MRMIB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None.

ALTERNATIVES

The MRMIB has determined that no reasonable alternative considered by the agency, or that has been otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Alexa Malik
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 323-0421

or

Diane Knox
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 327-8243

INITIAL STATEMENT OF REASONS

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at www.mrmib.ca.gov.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.mrmib.ca.gov.

**TITLE 10. MANAGED RISK MEDICAL
INSURANCE BOARD**

**NOTICE OF PROPOSED RULEMAKING
ER-1-11**

**TITLE 10: CALIFORNIA CODE
OF REGULATIONS
CHAPTER 5.8 MANAGED RISK MEDICAL
INSURANCE BOARD
HEALTHY FAMILIES PROGRAM**

**AMEND SECTIONS 2699.6700, 2699.6709,
2699.6721, and 2699.6723**

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on October 10, 2011, at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board
Attn: Dianne Knox
1000 G Street, Suite 450
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to dknox@mrrib.ca.gov. Comments must be received by no later than 5:00 p.m. on October 10, 2011.

AUTHORITY AND REFERENCE

Authority: Sections 12693.21, 12693.22, 12693.62, and 12693.755, Insurance Code.

Reference: Sections 12693.21, 12693.22, 12693.60, 12693.61, 12693.62, 12693.63, 12693.64, 12693.65, 12693.66, and 12693.755, Insurance Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Healthy Families Program (HFP) is California's state- and federally-funded Children's Health Insurance Program (CHIP), established pursuant to Title XXI of the federal Social Security Act. The Managed Risk Medical Insurance Board (MRMIB) administers HFP. HFP provides comprehensive health, dental, and vision insurance to low-income children under age 19 with family income above the Medi-Cal income eligibility levels. (Insurance Code sections 12693 et seq.). Approximately two-thirds of the funding for HFP is provided by the federal CHIP. (42 U.S.C. 1397aa et seq.).

Due to the State's budget crisis, the Governor's 2011-12 Budget proposed eliminating the HFP vision benefits. Elimination of the vision benefit would mean that HFP members would no longer receive early comprehensive vision screening to determine the presence

of problems or abnormalities, nor would they receive appropriate glasses, lenses, and/or contacts to correct any identified problems or abnormalities.

In response to the Governor's proposal, the Vision Service Plan (VSP) one of the vision plans participating in the HFP, made a proposal to the Legislature that would:

- Limit the provider network that HFP members could access for vision benefits;
- Reduce the amount and types of benefits for services from non-participating providers; and
- Restrict the number and type of products and materials used for glasses.

These limitations would decrease the per member per month (PMPM) rates paid to the HFP participating vision plans, thereby generating General Fund changes. The Legislature and Government took actions to achieve savings and provide MRMIB with authority to adopt regulations on an emergency basis to implement VSP's proposal.

The proposed regulations would modify vision benefits and member share of cost in accordance with legislative direction. These regulations also clarify that HFP participating health, dental and vision plans are responsible to provide care for children with a California Children's Services (CCS) eligible condition until the needed care is authorized and provided by the CCS. This change is needed to be consistent with Insurance Code section 12693.62.

Section 2 of Assembly Bill 97 (Chapter 3, Statutes of 2011) added Insurance Code section 12693.65 to provide that regulations adopted by the Board to implement the new vision benefit.

On June 22, 2011, the Managed Risk Medical Insurance Board submitted to the Office of Administrative Law (OAL) the request for emergency approval of the proposed regulations. The emergency regulations were approved by OAL and were effective June 30, 2011.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose a mandate on local agencies or school districts for which reimbursement would be required pursuant to Part 7 commencing with Section 17500 of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. The Federal government will realize a savings of \$6.04 million in fiscal year 2011-12 and \$6.59 million for the two subsequent fiscal years.

COSTS OR SAVINGS TO STATE AGENCIES

The State will realize a General Fund savings of \$3.25 million in fiscal year 2011–12 and \$3.65 million for the two subsequent fiscal years due to benefit changes.

BUSINESS IMPACT/SMALL BUSINESS

The MRMIB has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by Section 11342.610. This determination was made as the proposed regulatory action only affects vision plans and subscribers.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The MRMIB has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

This regulatory proposed will limit the HFP provider network, reduce the amount and types of benefits for non-participating providers, and restrict the number and type of products and materials used for glasses by the HFP members. There are potential costs to HFP members, vision plans and providers.

EFFECT ON HOUSING COSTS

None.

ALTERNATIVES

The MRMIB must determine that no reasonable alternative considered by the agency, or that has been otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Dianne Knox
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 324–0592

or

Alexa Malik
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 327–8243

INITIAL STATEMENT OF REASONS

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at www.mrmib.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.mrmib.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION Amend and Update the Basic Course Waiver Process Commission Procedure D-11

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by October 3, 2011, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to the:

Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code § 13503 — POST powers and § 13506 — POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code § 13503(e) — POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its June 23, 2011 meeting, the Commission approved proposed amendments to the Basic Course Waiver Application, POST form 2-267 (04/2011). The proposed changes included:

- Update Basic Course Waiver Process and application.

Penal Code § 13511 requires that POST adopt regulations providing for alternative means for satisfying the training required by Section 832.3. The revision would require that Basic Course Waiver (BCW) applicants who have a three year or longer break in service to complete the Requalification Course to satisfy the Basic Course Waiver Examination (BCWE). This would remove the testing option for these applicants and require them to meet the same requalification standard as California trained officers. The proposed revision also clarifies the re-examination procedure. Additionally, the wording of the Privacy Act Language on the BCW application form would be updated and a new field for email and cell phone information would be added. The proposed effective date is January 1, 2012.

Local Mandate

This proposal does not impose a mandate on local agencies or school districts.

Fiscal Impact Estimates

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with § 17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the creation of

new businesses, the elimination of existing businesses, or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

None.

Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as, and less burdensome to, affected private persons than the proposed action.

Contact Person

Please direct inquiries or written comments about the proposed regulatory action to the following:

Kim Mogan
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
(916) 227-4254 or Kim.Mogan@post.ca.gov
FAX (916) 227-6932

or

Patti Kaida
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
(916) 227-4847 or Patti.Kaida@post.ca.gov
FAX (916) 227-5271

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at: 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/regulatoryactions.aspx>.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person named above.

TITLE 15. CORRECTIONS STANDARDS AUTHORITY

NOTICE OF PROPOSED AMENDMENT TO
TITLE 15, MINIMUM STANDARDS FOR LOCAL
DETENTION FACILITIES, CALIFORNIA CODE
OF REGULATIONS, BY THE STATE
CORRECTIONS STANDARDS AUTHORITY

Pursuant to Penal Code Section 6030, the State Corrections Standards Authority (CSA) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the CSA to amend and adopt the regulations contained in Title 15, Division 1, Subchapter 4, California Code of Regulations (known as the Minimum Standards for Local Detention Facilities), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The CSA will hold the following public hearings:

Monday, September 12, 2011

09:00 a.m.

San Diego Sheriff's Department
Headquarters
9621 Ridgehaven Court
San Diego CA 92123

Wednesday, October 5, 2011

09:00 a.m.

660 Bercut Drive
Sacramento CA 95811

Both locations are wheelchair accessible. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The CSA requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing will remain open only as long as persons in attendance are presenting testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the CSA. The written comment period closes at **5:00 p.m. on October 3,**

2011. The CSA will consider only comments received at CSA offices by that time. Submit comments to:

Allison Ganter, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
allison.ganter@cdcr.ca.gov

AUTHORITY AND REFERENCE

Penal Code Section 6030 authorizes the CSA to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 6029 and 6030 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

Sections 6029 and 6030 of the California Penal Code authorize the Corrections Standards Authority to establish standards for local adult and juvenile detention facilities. The standards shall include but not be limited to the following: health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities and personnel training. Section 6030 requires the Corrections Standards Authority to review such standards biennially and make any appropriate revisions.

Summary of Existing Regulations

Existing standards which prescribe requirements for local detention facilities are promulgated by the Corrections Standards Authority. These regulations are contained in Title 15 — Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 4 of the California Code of Regulations (CCR).

Summary of Effect

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 4 CCR adopting new and revised definitions to add clarity to the regulations; update reference to the Board of Corrections to Corrections Standards Authority to reflect legislative change; clarify that staff notify recipients of a pilot project or alternate means of compliance; clarify timeframes for emergency suspensions of standards; correct various grammatical errors; allow core training to be supplemented for 8 hours of training for court and temporary holding facility staff; clarify that fire suppression preplans are completed WITH the fire authority; require that policy and procedure include requirements for reporting incidents and also delete the requirement for submission within 24 hours; require that symptoms of

communicable disease drive inmate segregation; clarify that continued retention in a safety cell or restraints is reviewed by specific personnel; require that safety checks in a sobering cell be documented; update the term “supervising officer” with “facility watch commander”; replace the term “mail” with “correspondence” in one subsection; require information about inmate voting and voter registration be provided at orientation; add religious practices to religious observances; require that reviews of inmates on disciplinary isolation be documented; clarify language regarding safety checks for minors in custody; eliminate the requirement that verbal orders for involuntary psychotropic medications are signed by a physician within 72 hours; update the term “detention” with “custody”; update requirements for articles provided to minors in custody; clarify the requirements for intoxicated minors in detention; clarify the qualifications for health care staff; require health care procedures manuals to be reviewed biennially; delete the requirement that evaluations for mental health treatment be performed by licensed health personnel; update references to the correct Dietary Guides; and include daily and weekly averages for food groups. The effect of the proposed changes is further described below.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain regulations for local adult detention facilities in conformance with sound correctional practices and to ensure the safe and secure detention of incarcerated persons.

1006. Definitions. This regulation defines terms used throughout these regulations. To provide clarity and consistency to these regulations, four (4) have been amended, nine (9) have been added and two (2) have been deleted.

1007. Pilot Projects. This regulation describes the requirements for a facility electing to apply for a pilot project. Proposed revisions replace Board of Corrections with Corrections Standards Authority and clarify that staff notify recipients of acceptance of a pilot project; there is no operational impact.

1008. Alternate Means of Compliance. This regulation describes the requirements for a facility electing to apply for an Alternate Means of Compliance. Proposed revisions replace Board of Corrections with Corrections Standards Authority and clarify that staff notify recipients of acceptance of an alternate means of compliance; there is no operational impact.

1012. Emergency Suspension of Standards. This regulation outlines the steps that must be taken to sus-

pend applicability of standards in the event of an emergency. Proposed revisions clarify the statement that suspensions lasting more than 15 days require approval of the CSA Chairperson and are effective for a specified time period; there is no operational impact.

1013. Criminal History Information. This regulation allows certain information to be accessible to CSA staff. Proposed revisions correct a grammatical error; there is no operational impact.

1024. Court Holding and Temporary Holding Facility Training. This regulation outlines training requirements for custodial personnel in court and temporary holding facilities. Proposed changes reflect actual practice; when Core training is completed, staff do not complete additional training prior to working in a court or temporary holding facility. Operational impact is minimal.

1032. Fire Suppression Preplanning. This regulation outlines the requirements for a facility's fire suppression preplan. Revisions clarify that the facility's fire suppression pre-plan is developed in cooperation with the local fire department, not by the local fire department. Proposed changes also clarify language for "policy and procedures manual." There is no operational impact.

1044. Incident Reports. This regulation outlines the requirements for incident reports in local detention facilities. Proposed changes add the requirement that policies and procedures outline steps for the reporting of incidents in addition to the maintenance of records and delete the requirement that a written record be submitted to the facility manager within 24 hours of the incident. Operational impact is minimal.

1046. Death in Custody. This regulation outlines specific procedures in the event of a death in custody. Proposed revisions replace Board of Corrections with Corrections Standards Authority and delete a redundant reference to the Board; there is no operational impact.

1051. Communicable Diseases. This regulation requires the facility manager to develop policy and procedures for dealing with communicable diseases within the facility and outlines criteria for plans when dealing with suspected communicable diseases. Proposed changes will require the facility administrator to specify what symptoms of communicable disease, rather than the specific disease, would require inmate segregation at any point in housing.

1055. Use of Safety Cell. This regulation describes the requirements for use of a safety cell. Proposed revisions clarify that continued retention in the safety cell is reviewed with the approval of the facility manager, watch commander or physician and clearly ties the placement and retention review together. There is no operational change.

1056. Use of Sobering Cell. This regulation describes the requirements for use of a sobering cell. Proposed revisions require that safety checks of inmates in sobering cells be documented.

1058. Use of Restraint Devices. This regulation outlines policy and procedure required when an inmate is placed in restraints for behavioral reasons. The proposed changes correct grammar and also join two sentences related to the approval of placement in restraints and review of retention in restraints. There is no operational impact.

1059. DNA Collection, Use of Force. This regulation outlines the steps that must be taken during a forced sampling of DNA in a local detention facility. The proposed change replaces the term "supervising officer" with "facility watch commander." There is no operational impact.

1062. Visiting. This regulation outlines requirements for visitation in local detention facilities. Proposed changes replace the term "visitation" with "visiting" to clean up grammar. There is no operational impact.

1063. Correspondence. This regulation outlines policy and procedure requirements for inmate correspondence. The proposed change will replace the term "mail" with "correspondence" in (b). There is no operational impact.

1069. Inmate Orientation. This regulation outlines policy and procedure requirements for inmate orientation at the time of housing placement. Proposed changes would add a requirement that inmate voting, including registration, be part of inmate orientation. There is minimal operational impact.

1072. Religious Observance. This regulation outlines the policy and procedure requirements for religious observances in local detention facilities. Proposed changes add the term "practices" to the regulation to ensure that additional religious requirements are available.

1080. Rules and Disciplinary Procedures. This regulation outlines the requirements for rules and disciplinary penalties to be conveyed to inmates in writing or verbally. The proposed change cleans up grammar and has no operational impact.

1081. Plan for Inmate Discipline. This regulation outlines the elements that must be included in a facility's disciplinary policy and procedures. Proposed changes replace the term "removing" with "segregating" to ensure clarity in the regulation. There is no operational impact.

1083. Limitations on Disciplinary Action. This regulation outlines limitations on disciplinary actions in local detention facilities. Proposed changes include updating the phrase "cruel OR unusual" to "cruel AND

unusual” punishment to comport with the federal and state constitutional prohibitions.

Proposed changes also include the requirement that reviews of inmates on disciplinary isolation be documented; operational impact will be minimal.

1084. Disciplinary Records. This regulation requires that a record of all disciplinary action is documented. Proposed changes do not require operational change; grammatical errors are corrected.

1100. Purpose. This regulation outlines the purpose of this section of Title 15, which is applicable to Type II and III facilities that hold minors. Proposed changes correct grammatical errors and update references to the Board, replacing them with “Corrections Standards Authority.” There is no operational impact.

1104. Supervision of Minors. This regulation outlines the requirements for supervision of minors that are held in adult jails. Proposed changes clarify language to ensure that safety checks are completed at least once in every 30 minute period. There is no operational impact.

1125. Psychotropic Medications for Minors in Jail. This regulation outlines the requirements for the management of psychotropic medications for minors in jail. Proposed changes eliminate the requirement that verbal orders must be signed by a physician within 72 hours and instead create a performance based regulation.

1140. Purpose. This regulation establishes the purpose of Article 9, Minors in Temporary Custody in a Law Enforcement Facility, and describes where it is applicable. Proposed changes reflect the workgroup’s decision to change the term “detention” to “custody” throughout Article 9 and will not have operational impact.

1141. Minors Arrested for Law Violations. This regulation describes the requirements for minors who are held in secure or non-secure custody within a law enforcement facility. Proposed changes change the term “detention” to “custody.” There is no operational impact.

1143. Care of Minors in Temporary Custody. This regulation requires facilities to provide certain articles and services to minors who are held in a law enforcement facility. Proposed changes delete the separate requirement for minors in locked rooms to be provided with blankets and clothing. Operational impact will be minimal.

1144. Contact Between Minors and Adult Prisoners. This regulation outlines separation requirements for minors and adult inmates in law enforcement facilities. Proposed language deletes the term “detained” to be consistent with definitional changes proposed. There is no operational impact.

1145. Decision on Secure DetentionCustody. This regulation outlines the criteria for minors that may be

held in secure custody. Proposed changes change the term “detention” to “custody” and will not have operational impact.

1146. Conditions of Secure DetentionCustody. This regulation outlines the conditions that create a secure custody situation. Proposed changes change the term “detention” to “custody” and will not have operational impact.

1147. Supervision of Minors in Secure Custody Held Inside a Locked Enclosure. This regulation outlines the requirements for supervision of minors in secure custody. Proposed changes change the term “detention” to “custody” and will not have operational impact.

Proposed changes also delete the term “unscheduled,” and replace the term “no less than every” with “at least once every” to clarify that safety checks are to be completed at least once in every 30 minute timeframe. These changes will not require operational change.

1148. Supervision of Minors in Secure Detention Custody Outside of a Locked Enclosure. This regulation outlines the requirements for supervision of minors held in secure custody outside of a locked enclosure. Proposed changes change the term “detention” to “custody” and will not have operational impact.

Proposed changes also replace the term “be present at all times” with “provide constant direct visual observation.” There is no operational impact.

1149. Criteria for Non-Secure Custody. This regulation outlines the criteria for nonsecure custody. Proposed changes change the term “detention” to “custody” and will not have operational impact.

Proposed changes also delete the language “if a brief period of time is needed,” as it is unnecessary. This change will not impact operation.

1151. Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody Intoxicated and Substance Abusing Minors in a Lockup. This regulation outlines the requirements for minors that are under the influence while in custody in a law enforcement facility. Proposed changes clarify expectations of custodial staff, but will not impact the current operation of law enforcement facilities that hold minors.

The title of the regulation has been changed from Intoxicated and Substance Abusing Minors in a Lockup to Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody to reflect actual circumstances in temporary custody.

Proposed changes replace the term “intoxicated by any substance” to “being under the influence of drugs, alcohol or any other intoxicating substance,” reflecting actual practice and clarifying the intent of the regulation.

Proposed changes replace the term secure “detention” with secure “custody in a locked room” to reflect changes made throughout the regulations.

Proposed changes modify the requirements for safety checks of minors under the influence in secure custody from “no less than once every 15 minutes” to “at least once every 15 minutes.”

Proposed changes add language specific to intoxicated minors who are in secure detention outside of a locked enclosure.

1203. Health Care Staff Qualifications. This regulation describes the qualifications for health care personnel working in a local detention facility. Proposed changes clarify that the community standard is met and that health care personnel are working within the recognized scope of practice specific to their profession. There is no operational impact.

1205. Medical/Mental Health Records. This regulation describes the requirements for health care records in local detention facilities. Subsection (a) has been amended to add “in compliance with state statute to” and delete “which shall.” This amendment will not affect facility operations.

1206. Health Care Procedures Manual. This regulation outlines the minimum required components for the Health Care Procedures Manual. The proposed change would require that manuals are reviewed every two years, rather than annually. Operations may be positively impacted.

1208. Access to Treatment. This regulation describes the requirement that there be a written plan to address any medical, mental health or developmental disability issue for inmates at any time during their incarceration subsequent to their receiving screening. Proposed changes delete the requirement that evaluations for treatment be performed by licensed health personnel and create specific language for the requirement of a written plan for assessment and treatment. Operational impact may be positive.

1217. Psychotropic Medications. This regulation outlines the requirements for the administration of psychotropic medications. The regulation was amended to delete “in written form in the inmate’s record.” Proposed changes also delete language that qualifies that a clinical evaluation could be conducted either in person or by telephone. Proposed changes also delete the sentence requiring that verbal orders shall be entered in the inmate’s record and signed by the physician within 72 hours. There will be minimal operational impact.

1241. Minimum Diet. This regulation describes the requirements for the minimum diet for inmates in local detention facilities. Proposed changes include updating the Dietary Reference Intakes of the Food and Nutrition Board, Institute of Medicine of the National Academies, the California Daily Food Guide and the Dietary

Guidelines for Americans to reflect current standards. There is no operational impact as a result of this change.

Proposed changes also include daily or weekly averages of food group requirements and clarify the requirement that calcium includes milk or milk based products.

DISCLOSURE REGARDING THE PROPOSED ACTION

The CSA has made the following initial determinations:

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination:

The CSA has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the operations and programs for Local Adult Detention Facilities.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The CSA invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Allison E. Ganter, Field Representative
600 Bercut Drive
Sacramento, CA 95814
(916) 445-5073
allison.ganter@cdcr.ca.gov

Gary Wion, Deputy Director
600 Bercut Drive
Sacramento, CA 95814
(916) 445-5073
Gary.wion@cdcr.ca.gov

Questions on the substance of the proposed regulation may be directed to Ms. Ganter or Mr. Wion.

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Allison Ganter at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the CSA's office at the above address.

AVAILABILITY OF MODIFIED TEXT

If the CSA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CSA adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the CSA website at <http://www.cdcr.ca.gov/CSA/index.html>. Those persons who do not have access to the Internet may submit a written request to Allison Ganter at the above address.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in **strikeout** and **underline** can be accessed through our

website at <http://www.cdcr.ca.gov/CSA/index.html>. Those persons who do not have access to the Internet may submit a written request to Allison Ganter at the above address.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

ACTION: Notice of Proposed Rulemaking
Title 17, California Code of Regulations
SUBJECT: Medical and Dental X-ray Quality
Assurance, DPH-08-015

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Public Health will conduct written public proceedings during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Legislature of the State of California has found and declared that it is in the interest of public health to require that the people of this state be protected from excessive and improper exposure to ionizing radiation.¹ In this regard, the Legislature declared that it is the policy of the State of California to institute and maintain a regulatory program for sources of ionizing radiation so as to provide for an integrated and effective system of regulation within the State.² To carry out this policy, the Legislature enacted the Radiation Control Law (Health & Safety Code section 114960 et seq.), which authorizes the California Department of Public Health (Department), as a successor to the Department of Health Services pursuant to Health and Safety Code sections 131055 and 131200, to promulgate regulations regarding sources of ionizing radiation, for the protection of the health and safety of the public and for the protection of radiation workers. The regulations that implement, interpret, and make specific, the provisions of the Radiation Control Law are in title 17, California Code of Regulations, sections 30100 through 30395.

To better protect both the public and radiation workers from unnecessary exposure to radiation, and to reduce the occurrence of misdiagnosis, the Governor, during the 2005-2006 legislative session, signed into law Assembly Bill (AB) 929 (Stats. 2005, chapter 427).

¹ Health & Safety Code section 114840.

² Health & Safety Code section 114965(b).

AB 929 requires adoption of regulations that require personnel and facilities using radiation-producing equipment for medical and dental purposes to maintain and implement medical and dental quality assurance standards that protect the public health and safety by reducing unnecessary exposure to ionizing radiation, while ensuring that images are of diagnostic quality.

The purpose of these proposed regulations is to implement AB 929. The standards in these proposed regulations are limited to the use of radiographic film. Quality assurance standards for digital radiography have not yet been established by either the medical or health physics communities at the time these proposed regulations were developed.

The Department proposes to:

Adopt **Section 30305.1, Quality Assurance General Provisions**, to establish the quality assurance requirements that apply to each user who performs radiography for healing arts purposes.

Adopt **Section 30308.1, Quality Assurance for Radiographic Installations (Other Than Mammography, Dental, and Veterinary Medicine)**, to establish the quality assurance requirements that apply to users who develop clinical radiographs with automatic film processors in the practice of medicine, osteopathy, chiropractic, and podiatry. This proposed section does not apply to those who practice dentistry or veterinary medicine or perform mammography.

Adopt **Section 30311.1, Quality Assurance for Dental Radiography**, to establish the quality assurance requirements that apply to each user performing radiographic examinations using intra-oral film systems for dental purposes.

Authority: Sections 114975, 115000, 115060, 115061, 131051, 131052, 131055, and 131200, Health and Safety Code.

Reference: Sections 114965, 114970, 115000, 115060, and 115061, Health and Safety Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on October 3, 2011, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH-08-015" in the subject line to facilitate timely identification and review of the comment; or
2. By fax transmission: (916) 440-5747; or
3. By mail to: Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or hand-delivered to: 1616 Capitol Avenue, Sacramento, CA 95814. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Leo Spencer of the Radiologic Health Branch, at (916) 440-7982 or Phillip L. Scott at (916) 440-7978.

All other inquiries concerning the action described in this notice may be directed to Miyoko Sawamura, Office of Regulations, at (916) 440-7690, or to the designated backup contact person, Linda M. Cortez at (916) 440-7683.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-08-015.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 440-7683 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: There will be an impact as described in item D below.
- B. Fiscal Effect on State Government:
 - 1. State agencies using radiation sources are subject to the proposal. There will be an impact as described in item D below.
 - 2. The Department estimates that there will be no increase to the Radiation Control Fund. The Department currently possesses the equipment, supplies and inspectors needed to determine compliance with the proposed regulations. It is estimated that the time needed for inspections will not significantly increase.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The Department estimates that approximately 8,000 businesses will be impacted. However, the actual impact is likely less

because an unknown portion of medical X-ray facilities use digital imaging capture systems instead of film-screen capturing systems that require photographic film processing. These proposed regulations do not apply to digital imaging capture systems, but to medical X-ray facilities using photographic film, whether by use of automatic film processing equipment or by manual film processing.

The impact will be on those businesses that provide medical X-ray services using automatic film processing without a current quality control program. Initial costs for each business providing medical X-ray services using automatic film processing without a quality control program are estimated to be less than \$2,000. These costs, found through Internet search, are for the purchases of sensitometers, densitometers (\$1,650), step-wedges (\$135), and film for quality control tests (\$90 [3 boxes times \$30 per box]). Ongoing costs for each of these businesses should be around \$100 annually, for film.

It is estimated that there will be no costs for individuals.

The impact on dental X-ray facilities cannot be estimated because the proposal would impose minimal, but unknown, procedure changes. However, it is likely that there will be no impact.

- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- 1. The creation or elimination of jobs within the State of California. The proposal may result in the creation of jobs but its extent cannot be estimated.
- 2. The creation of new businesses or the elimination of existing businesses within the State of California. The proposal may result in the creation of new businesses but its extent cannot be estimated. The proposal should not result in the elimination of existing businesses.

3. The expansion of businesses currently doing business within the State of California. The proposal may result in the expansion of businesses currently doing business with the State of California but its extent cannot be estimated.

The Department has determined that the regulations would have an effect on small business because they will be legally required to comply with the regulations and may incur a detriment from the enforcement of the regulations.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however, any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. For individuals with disabilities, should a public hearing be scheduled, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette, or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Linda M. Cortez, Office of Regulations, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, or call (916) 440-7683, or use the California Relay Service by dialing 711.

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE CORRECTIONS STANDARDS AUTHORITY (CSA)

REGARDING THE MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART I, SECTION 13-102 AND PART II, CHAPTER 12, SECTION 1231

Minimum Standards for the Design and Construction of Local Detention Facilities

Notice is hereby given that the Corrections Standards Authority (CSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part I, Chapter 13, Section 13-102 and Part II, Chapter 12, Section 1231. The CSA is proposing building standards related to the design and construction of local detention facilities.

The California Building Standards Commission on behalf of CSA will hold the following public hearings during which time any person may present statements or arguments relevant to the proposed regulatory action summarized below.

Monday, September 12, 2011

9:00 a.m.

San Diego Sheriff's Department Headquarters
9621 Ridgehaven Court
San Diego CA 92123

Wednesday, October 5, 2011

9:00 a.m.

Corrections Standards Authority
660 Bercut Drive
Sacramento CA 95811

Written comments will be accepted regarding the proposed changes from August 19, 2011 until **5:00 p.m. on October 3, 2011.**

Please address your comments to:

Corrections Standards Authority
600 Bercut Drive
Sacramento CA 95811
Attention: Allison Ganter, Field Representative

Written Comments may also be faxed to (916) 327-3317 or E-mailed to Allison.ganter@cdcr.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantial-

ly as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The Corrections Standards Authority proposes to adopt these building standards under the authority granted by Penal Code Section 6030. The purpose of these building standards is to implement, interpret, and make specific the provisions of Penal Code Sections 6029 and 6030. The CSA is proposing this regulatory action based on Penal Code 6030.

INFORMATIVE DIGEST

Summary of Existing Laws

Sections 6029 and 6030 of the California Penal Code authorize the CSA to establish building standards for local adult and juvenile detention facilities.

Summary of Existing Regulations

Existing building standards which prescribe requirements for building design and construction of local detention facilities are promulgated by the CSA. These regulations are contained in Title 24, Part 1 and Title 24 Part 2, Volume 1. Further, Appendix Chapter 3A (AC3A), Division II, Title 24, California Building Code regulations have been adopted by the State Fire Marshal and they are frequently referred to as "the State Fire Marshal's Regulations." These regulations apply to both adult and juvenile detention facilities.

Summary of Effect

The proposed action would update Title 24 Parts 1 and 2, adopting new and revised definitions to add clarity to the regulations, deleting definitions that are no longer relevant, changing the name "Board" and "Board of Corrections" to "Corrections Standards Authority" to reflect legislative change; updating regulations to comport with new definitions, correct errors made in previous rulemaking filings; require that one set of plans, rather than two, are submitted to the CSA for plan review; deletes outdated references to the State Fire Marshal; add language that ensures that any vent or security cover has less than 3/16 inch openings to pre-

vent suicide; correct grammar and punctuation; require audio monitoring systems to terminate where staff can respond immediately; require that exterior windows meet security specifications; and updates requirements for the location of a weapons locker.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations for local adult detention facilities in conformance with sound correctional practices and to ensure the safe and secure detention of incarcerated persons.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the CSA or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
 - B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
 - C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
 - D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
 - E. Cost or savings in federal funding to the state: **NO**
- Estimate: Not applicable.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Corrections Standards Authority has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, includ-

ing the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The proposed regulatory action will not affect businesses because the scope of these regulations is specific to the operation of local detention facilities in California.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action does not require a report by any business or agency, so the Corrections Standards Authority has not made a finding of necessity for the public health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CSA has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
The CSA has determined that the proposed regulatory action will not eliminate jobs in the State of California.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
The CSA has determined that the proposed regulatory action will not create or eliminate existing businesses within the State of California.
- @ The expansion of businesses currently doing business with the State of California.
The CSA has determined that the proposed regulatory action will not expand businesses currently doing business in the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Corrections Standards Authority has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CSA must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the Corrections Standards Authority Website:

<http://www.cdcr.ca.gov/CSA/index.html>.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Jane Taylor, Senior Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Allison Ganter, Field Representative
Corrections Standards Authority
600 Bercut Drive
Sacramento CA 95811
Allison.ganter@cdcr.ca.gov
(916) 445-5073

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication August 19, 2011
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Red Bluff Project
Riverside County
2080-2011-018-06

The Department of Fish and Game (Department) received a notice on July 27, 2011 that Southern California Edison Company (SCE) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action includes the construction, operation, maintenance, and decommissioning of a commercial solar power generating facility.

The United States Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. FWS-ERIV-08B0789-11F0041)(BO) and incidental take statement (ITS) on July 6, 2011 which considered the effects of the project on the Federally and State threatened desert tortoise (*Gopherus agassizii*).

Pursuant to California Fish and Game Code Section 2080.1, SCE is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, SCE will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

ADDITIONAL EXTENSION OF PUBLIC COMMENT PERIOD FOR CHEMICALS BEING CONSIDERED FOR LISTING BY THE AUTHORITATIVE BODIES MECHANISM: HYDROGEN CYANIDE AND CYANIDE SALTS

August 19, 2011

[NOTE: Posted on the OEHHA web site on
August 3, 2011]

On June 24, 2011, the California Environmental Protection Agency’s (Cal/EPA) Office of Environmental Health Hazard Assessment (OEHHA) published a notice extending the public comment period soliciting information as to whether hydrogen cyanide and cyanide salts meet the authoritative bodies listing criteria set forth in the Proposition 65 regulations in Title 27, Cal. Code of Regulations, section 25306.¹ The comment period was to close on August 3, 2011.

OEHHA has received an additional request from the CN (Cyanide) Council to extend the public comment period to allow for sufficient time for them to submit relevant scientific information concerning hydrogen cyanide and cyanide salts. OEHHA hereby extends the written public comment period until 5:00 p.m. on Wednesday, August 31, 2011.

We encourage you to submit written comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

¹ All referenced sections are from Title 27 of the Cal. Code of Regulations.

Mailing Address: Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010
Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

File# 2011-0715-01
BOARD OF BARBERING AND COSMETOLOGY
Dishonored Check Fee

The Board of Barbering and Cosmetology submitted this rulemaking action to amend title 16, California Code of Regulations, section 999 to set the charge for the return of a dishonored check from \$10 to an amount set by the Department of Consumer Affairs.

Title 16
California Code of Regulations
AMEND: 999
Filed 08/03/2011
Effective 09/02/2011
Agency Contact: Kevin Flanagan (916) 575-7104

DECISION NOT TO PROCEED

**TITLE 14. FISH AND GAME
COMMISSION**

Notice of Decision Not to Proceed

PURSUANT TO GOVERNMENT CODE 11347, NOTICE IS HEREBY GIVEN that the Fish and Game Commission will not proceed with the proposed amendment of Sections 671.1 and 703, and addition of Section 671.8, Title 14, CCR, related to Inspection of Facilities for Restricted Species (Notice File No. Z-2011-0512-03), published May 27, 2011, in the California Notice Register 2011, No. 21-Z, page 877; therefore, withdraws this proposed action for further consideration. The Commission may initiate a new proposal to adopt regulations pertaining to the same or similar subject matter at a later date, with notice as required by law.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0721-01
BOARD OF EDUCATION
Inclusion of Middle School Dropouts in the API

The Board of Education submitted this rulemaking action to adopt title 5, California Code of Regulations, section 1039.1, which will require schools and local educational agencies to include in the Academic Performance Index (API) dropout rates for pupils who drop out of school while enrolled in grade 8 or 9. The purpose of section 1039.1 is to define middle school dropout rates for the purpose of inclusion in the API.

Title 5
California Code of Regulations
ADOPT: 1039.1
Filed 08/04/2011
Effective 09/03/2011
Agency Contact: Cynthia Olsen (916) 319-0584

File# 2011-0728-04
BOARD OF FORESTRY AND FIRE PROTECTION
Emergency Notice for Sudden Oak Death, 2011

The Board of Forestry and Fire Protection submitted this emergency readoption action to continue the emergency regulations adopted in OAL File No. 2011-0127-01E. The emergency adopted regulations amended seven title 14 sections and adopted a new title 14 section to the California Code of Regulations to address the growing threat of sudden oak death disease that is the result of the plant pathogen, *Phytophthora ramorum*.

Title 14
California Code of Regulations
ADOPT: 1052.5 AMEND: 895, 916.9, 936.6, 956.9, 1052, 1052.1, 1052.2
Filed 08/08/2011
Effective 08/08/2011
Agency Contact: George Gentry (916) 653-8031

File# 2011-0621-02

**BOARD OF FORESTRY AND FIRE PROTECTION
Modified Timber Harvesting Plan for Fuel Hazard Reduction, 2011**

The Board of Forestry and Fire Protection submitted this rulemaking action to adopt five title 14 sections to establish a new type of modified timber harvesting plan called a modified timber harvest plan for fuel hazard reduction (MTHP-FHR). The purpose of MTHP-FHRs is to encourage forest landowners to manage vegetation and fuel loads in a manner that will create fire resilient conditions in order to reduce the threat and potentially deleterious effects of unmanaged fire. This action also amends Title 14, California Code of Regulations, section 895 to add MTHP-FHR to the section's list of acronyms.

Title 14

California Code of Regulations

ADOPT: 1051.3, 1051.4, 1051.5, 1051.6, 1051.7

AMEND: 895

Filed 08/03/2011

Effective 01/01/2012

Agency Contact: George Gentry (916) 653-8031

File# 2011-0629-02

**CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING
AUTHORITY****SB 71 Sales and Use Tax Exclusion Program**

The California Alternative Energy and Advanced Transportation Financing Authority adopted a certificate of compliance for emergency regulations sections 10030, 10031, 10032, 10033, 10034, 10035, and 10036 in title 4 of the California Code of Regulations which implement the advanced transportation and alternative source manufacturing sales and use tax exclusion program.

Title 4

California Code of Regulations

ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037

Filed 08/10/2011

Effective 09/28/2011

Agency Contact: Deana Carrillo (916) 657-5052

File# 2011-0803-02

**CALIFORNIA OCEAN SCIENCE TRUST
Conflict-of-Interest Code**

The California Ocean Science Trust is adopting its conflict-of-interest code found at Title 2, Section 59700, California Code of Regulations. The adoption

was approved for filing by the Fair Political Practices Commission on July 12, 2011.

Title 2

California Code of Regulations

ADOPT: 59700

Filed 08/08/2011

Effective 09/07/2011

Agency Contact: Geri Feldman (510) 251-8332

File# 2011-0705-04

**COMMISSION ON TEACHER CREDENTIALING
Education Specialist Instruction Credential**

This regulatory action adds a new credential, Education Specialist Instruction Credential: Language and Academic Development, authorizing the holder to provide instruction for students with several different types of disabilities. It also adds "certificates and/or authorizations" to the lists, as necessary, to update them.

Title 5

California Code of Regulations

AMEND: 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.6

Filed 08/04/2011

Effective 09/03/2011

Agency Contact:

Terri H. Fesperman (916) 323-5777

File# 2011-0722-03

DEPARTMENT OF CORRECTIONS AND REHABILITATION**Modified Program Definition**

This change without regulatory effect corrects the word "a" to "as" in the definition for "Modified Program" in section 3000.

Title 15

California Code of Regulations

AMEND: 3000

Filed 08/03/2011

Agency Contact: Alex Alanis (916) 445-2227

File# 2011-0623-02

**DEPARTMENT OF FOOD AND AGRICULTURE
European Grapevine Moth Interior Quarantine**

This action amends the European Grapevine Moth (EVGM) Interior Quarantine regulation by removing Lake County, CA from the quarantine area. The amendments also exempt "almonds in dried/split husks ready for harvest, nuts extracted from fruit, olive fruit (with or without stems or twigs), petioles and leaf blades of Vitis spp. and fermented wine, must and pomace" from the list of quarantined articles.

Title 3
California Code of Regulations
AMEND: 3437(b)
Filed 08/03/2011
Effective 09/02/2011
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2011-0718-01
DEPARTMENT OF MENTAL HEALTH
Physician, Hospital and Ambulance Service Contracts
This regulatory action adopts new Article 5 titled "Contracts" within Chapter 16 "State Hospital Operations." Article 5 contains new regulations that define hospital and physician. The new regulations also state that competitively bid contracts are exempt from the maximum rates requirement in Welfare and Institutions Code section 4101.5(c). This regulatory action is exempt from the rulemaking provisions of the Administrative Procedure Act, and therefore, from OAL review pursuant to Welfare and Institutions Code section 4101.5.

Title 9
California Code of Regulations
ADOPT: 4500, 4510, 4520
Filed 08/08/2011
Effective 08/08/2011
Agency Contact:
Stephanie L. Fields (916) 651-1446

File# 2011-0725-03
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Hazardous Liquids
The Occupational Safety and Health Standards Board submitted this rulemaking action to adopt one section and amend one section in title 8 of the California Code of Regulations. Title 8, section 3302 is being adopted to add requirements to ensure that hazardous liquids capable of causing physical injury to the skin be covered, insulated, or otherwise guarded against inadvertent contact. Where covering or guarding a hazardous liquid is impractical, personal protective equipment is required. Title 8, section 3308, which governs hot pipes and hot surfaces, is being amended to add an informative note that, for liquids, title 8, section 3302 applies.

Title 8
California Code of Regulations
ADOPT: 3302 AMEND: 3308
Filed 08/10/2011
Effective 09/09/2011
Agency Contact: Marley Hart (916) 274-5721

File# 2011-0624-03
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Work Over or Near Water
This action amends five existing regulations governing work over or near water to make the California standards as effective as the federal standards found in 29 Code of Federal Regulations section 1926.605.

Title 8
California Code of Regulations
ADOPT: 1603.1
AMEND: 1504, 1600, 1602, 1603
Filed 08/05/2011
Effective 09/04/2011
Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN March 16, 2011 TO
August 10, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
08/08/11 ADOPT: 59700
07/27/11 AMEND: 1859.90.2, 1859.81
07/15/11 AMEND: 1151, 1153, 1155.500, 1165, 1170, 1172.20
07/11/11 ADOPT: 21903.5 AMEND: 21903
07/11/11 ADOPT: 570.5 AMEND: 571(b)
07/06/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2
07/06/11 AMEND: 18360
07/05/11 AMEND: 649.3, 649.18, 649.20, 649.24
06/30/11 AMEND: 633.9
06/21/11 REPEAL: 59152
06/07/11 AMEND: 640
05/12/11 AMEND: 1859.83
05/04/11 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05 AMEND: 1181.1, 1181.2
04/28/11 AMEND: 18427.1
04/28/11 AMEND: 1859.90.2
04/27/11 AMEND: 1859.76
04/21/11 REPEAL: 18420.5
04/21/11 AMEND: 18465

04/21/11	ADOPT: 1859.90.2 AMEND: 1859.90.2 (renumbered to 1859.90.3), 1859.129, 1859.197	5150, 5151, 5152, 5153, 5154, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5221, 5230, 5231, 5232, 5240, 5241, 5250, 5251, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5361, 5362, 5363, 5369, 5370, 5371, 5380, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590
04/11/11	AMEND: 321	
04/06/11	AMEND: 59.3	
04/05/11	AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2	
04/01/11	AMEND: 18734	
03/30/11	AMEND: 64.5	
03/28/11	AMEND: 599.550	
Title 3		
08/03/11	AMEND: 3437(b)	
07/28/11	REPEAL: 1400.9.1	
07/15/11	AMEND: 3434(b)	
07/15/11	AMEND: 3589	
07/15/11	REPEAL: 3286	
07/08/11	AMEND: 3658	
07/05/11	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407	06/24/11 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036
06/28/11	AMEND: 3591.15(a)	06/21/11 AMEND: 1876
06/27/11	AMEND: 3437(b)	06/15/11 ADOPT: 340 AMEND: 221, 222, 226, 230, 288, 300 REPEAL: 262
06/22/11	AMEND: 3435(b)	05/31/11 AMEND: 8078.2
06/15/11	AMEND: 3437(b)	04/18/11 AMEND: 10302, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328
05/31/11	AMEND: 3437(b)	
05/11/11	ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624, 6860	04/01/11 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036
04/20/11	AMEND: 3434	04/01/11 ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590
04/14/11	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407	
04/07/11	AMEND: 6445.5, 6448.1, 6449.1, 6450.1, 6452.2, 6452.3, 6452.4, 6536, 6626	
03/18/11	AMEND: 3434(b) and (c)	
03/18/11	AMEND: 3434(b)	
Title 4		
08/10/11	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037	
07/27/11	AMEND: 5064	
07/21/11	ADOPT: 1844.1	
07/20/11	AMEND: 4800, 4801, 4802	
07/20/11	AMEND: 150	
07/12/11	AMEND: 1606, 1974, 1954.1, 1957, 1959, 1976, 1976.8, 1976.9, 1977, 1978, 1979, 1979.1	
07/01/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5133, 5140, 5141, 5142, 5143, 5144,	

03/17/11	AMEND: 202, 210, 214, 246, 247, 248, 249, 252, 254, 264, 266, 267, 304, 332, 334, 335, 364, 385, 510, 533, 541, 545, 609	1613.9, 1613.10, 1614, 1615 (section heading), 1615.1, 1615.2, 1616 (section heading), 1616.1, 1616.2, 1616.3, 1616.4, 1616.5, 1616.6, 1616.7, 1617 (section heading), 1617.1, 1617.2, 1617.3, 1618 (section heading), 1618.1, 1618.2, 1618.3, 1618.4, 1619 (section heading), 1619.1, 1619.2, 1619.3, 1619.4, 1619.5
Title 5		
08/04/11	ADOPT: 1039.1	AMEND: 1694, 2940.7, 6060
08/04/11	AMEND: 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.6	06/27/11 REPEAL: 10119, 10120
06/21/11	AMEND: 58771	06/20/11 AMEND: 10250.1
06/20/11	ADOPT: 80048.9, 80048.9.4 AMEND: 80046.1, 80048.5, 80070.1, 80070.2, 80070.3, 80070.4, 80070.5, 80070.6 REPEAL: 80046, 80070.7, 80070.8	06/02/11 AMEND: 5154(j)(1)
05/23/11	ADOPT: 13075.3, 13075.6, 13075.7, 13075.8, 13075.9 AMEND: 13075.1, 13075.2, 13075.4 (renumbered from 13075.3), 13075.5 (renumbered from 13075.4)	05/31/11 AMEND: 5155
05/02/11	ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846	05/20/11 AMEND: 341.13, 341.14, 341.16, 341.17
05/02/11	ADOPT: 80036.4 AMEND: 80034, 80036, 80036.1, 80036.2, 80036.3, REPEAL: 80036.5	05/03/11 AMEND: 3657
04/13/11	AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 870 (now 862.5), 864, 864.5, 866, 868	05/02/11 AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464
04/12/11	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240	04/26/11 AMEND: 3209
03/28/11	ADOPT: 75010, 75100, 75500 AMEND: 74120, 74130, 74160, 74170	04/18/11 ADOPT: 9792.5.0, 9792.5.1, 9792.5.2, 9792.5.3 AMEND: 9792.5
03/24/11	ADOPT: 30001.5	04/18/11 AMEND: 344.30
03/21/11	ADOPT: 10120 AMEND: 10070, 10071, 10075	04/13/11 AMEND: 3380
Title 7		
03/17/11	ADOPT: 211.5	03/28/11 AMEND: 3668(a)
Title 8		
08/10/11	ADOPT: 3302 AMEND: 3308	03/17/11 AMEND: 7102, 7104, 7160, 7178
08/05/11	ADOPT: 1603.1 AMEND: 1504, 1600, 1602, 1603	03/17/11 AMEND: 3207
08/01/11	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464	Title 9
07/28/11	ADOPT: 6799.1 AMEND: 6755	08/08/11 ADOPT: 4500, 4510, 4520
07/07/11	ADOPT: 1610 (section heading), 1610.1, 1610.2, 1610.3, 1610.4, 1610.5, 1610.6, 1610.7, 1610.8, 1610.9, 1611 (section heading), 1611.1, 1611.2, 1611.3, 1611.4, 1611.5, 1612 (section heading), 1612.1, 1612.2, 1612.3, 1612.4, 1613 (section heading), 1613.1, 1613.2, 1613.3, 1613.4, 1613.5, 1613.6, 1613.7, 1613.8,	Title 10
		08/01/11 AMEND: 3012.3
		07/27/11 AMEND: 2770.1, 2847.3
		07/25/11 AMEND: 2222.12
		07/13/11 AMEND: 210, 221
		07/08/11 AMEND: 2699.6707
		07/07/11 AMEND: 260.204.9
		06/30/11 AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725
		05/31/11 REPEAL: 2274.74, 2274.77
		05/23/11 AMEND: 2698.99
		05/16/11 AMEND: 2498.6
		05/04/11 ADOPT: 260.004.1
		04/25/11 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.4.5, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.122.15, 1950.205.1, 1950.209,

	1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317		361, 362, 363, 364, 365, 366, 353, 354, 478.1, 702, 711 REPEAL: 708
04/18/11	AMEND: 2188.65, 2695.180	06/21/11	AMEND: 7.50
04/06/11	AMEND: 2498.4.9	06/16/11	AMEND: 7.00, 7.50
04/06/11	AMEND: 2498.4.9	06/13/11	AMEND: 632
03/22/11	AMEND: 2498.4.9	06/09/11	AMEND: 27.20, 27.25, 27.30, 27.32 (renumbered to 27.35), 27.35 (renumbered to 27.40), 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 52.10, 150.16 REPEAL: 27.40, 28.51, 28.52, 28.53, 28.57
03/16/11	ADOPT: 2632.13.1 AMEND: 2632.13		
03/16/11	AMEND: 5500, 5501, 5505, 5506, 5507	05/19/11	AMEND: 632
Title 11		05/12/11	ADOPT: 28301
06/06/11	AMEND: 51.7	05/11/11	AMEND: 27.80
06/01/11	AMEND: Article 20, section 51.2	05/03/11	AMEND: 790, 815.05, 816.01, 816.02, 816.03, 816.05, 817.02, 817.03, 818.02, 818.03, 825.05, 825.07, 826.01, 826.02, 826.03, 826.05, 827.01, 827.02
05/31/11	AMEND: Article 20, section 51.25		
05/25/11	ADOPT: Article 20, section 51.27	05/02/11	AMEND: 925.7, 925.10, 926.9, 926.10, 927.5, 928.5, 928.6, 945.4, 965.4
05/24/11	AMEND: Article 20, section 51.15		
05/24/11	AMEND: Article 20, section 51.24	05/02/11	AMEND: 898.2
04/19/11	AMEND: 1005, 1007, 1008	04/29/11	ADOPT: 1570, 1571, 1572, 1572.1, 1572.2, 1573, 1573.1, 1573.2, 1573.3, 1573.4, 1573.5, 1573.6, 1574, 1575, 1575.1, 1575.2, 1575.3, 1576
04/19/11	AMEND: 1018		
04/13/11	AMEND: 1054	04/25/11	AMEND: 1670
04/11/11	ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22	04/06/11	ADOPT: 749.6
03/30/11	AMEND: 9070, 9072, 9073, 9077	04/01/11	AMEND: 27.80
03/16/11	AMEND: 2037		
Title 13		Title 15	
07/06/11	ADOPT: 1231.2 AMEND: 1200, 1201, 1217, 1221, 1222, 1232	08/03/11	AMEND: 3000
07/01/11	AMEND: 156.00, 156.01	07/28/11	ADOPT: 3084.8, 3084.9, 3086 AMEND: 3000, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3137, 3173.1, 3179, 3193, 3220.4, 3482, 3630, 3723 REPEAL: 3085
04/01/11	AMEND: 553.70		
Title 13, 17		07/19/11	AMEND: 3090, 3176.4, 3315, 3323
06/20/11	AMEND: Title 13: 2299.5 and Title 17: 93118.5	07/07/11	ADOPT: 3076.4, 3076.5 AMEND: 3076, 3076.1, 3076.2, 3076.3
Title 14		06/27/11	AMEND: 3140
08/08/11	ADOPT: 1052.5 AMEND: 895, 916.9, 936.6, 956.9, 1052, 1052.1, 1052.2	06/20/11	ADOPT: 8007, 8008 AMEND: 8000
08/03/11	ADOPT: 1051.3, 1051.4, 1051.5, 1051.6, 1051.7 AMEND: 895	06/15/11	ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
07/22/11	AMEND: 852.60.2, 852.60.3, 852.60.4, 852.61.1, 852.61.2, 852.61.3, 852.61.5, 852.61.6, 852.61.7, 852.61.8, 852.61.9, 852.61.10, 852.61.11, 852.61.12, 852.62.1, 852.62.2, 852.62.3	06/15/11	ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
07/14/11	AMEND: 791, 791.7, 792, 793, 794, 795, 796 REPEAL: 791.5	06/14/11	AMEND: 3000, 3045.3, 3123, 3134, 3250.4, 3269.1, 3274, 3383, 3482
07/12/11	ADOPT: 749.6	06/02/11	AMEND: 3378
07/08/11	ADOPT: 708.1, 708.2, 708.3, 708.4, 708.5, 708.6, 708.7, 708.8, 708.9, 708.10, 708.11, 708.12, 708.13, 708.14, 708.15, 708.16, 708.17 AMEND: 360,	05/26/11	ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767
		05/26/11	AMEND: 3025, 3291, 3296, 3300, 3301, 3383, 3397 REPEAL: 3302
		05/13/11	REPEAL: 1

05/11/11 AMEND: 3335
 04/29/11 ADOPT: 3359.1, 3359.2, 3359.3, 3359.4, 3359.5, 3359.6, 3359.7 AMEND: 3000
 04/15/11 ADOPT: 3769, 3769.1, 3769.2, 3769.3, 3769.4, 3769.5, 3769.6
 03/28/11 AMEND: 3269

Title 16
 08/03/11 AMEND: 999
 08/01/11 AMEND: 1327
 07/21/11 AMEND: 1005
 07/20/11 ADOPT: 4145 AMEND: 4141
 07/12/11 ADOPT: 1399.547
 07/01/11 AMEND: 2070, 2071
 06/14/11 AMEND: 1398.44, 1399, 1399.85
 06/06/11 AMEND: 4144 now 4147
 05/24/11 ADOPT: 1810.1, 1810.2, 1816.8, 1820, 1820.5, 1821, 1822 AMEND: 1800, 1802, 1803, 1804, 1805, 1805.1, 1806, 1807, 1807.2, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1819.1, 1832, 1833.1, 1833.2, 1850.6, 1850.7, 1870, 1870.1, 1874, 1877, 1880, 1881, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, 1888
 05/18/11 AMEND: 124
 05/18/11 AMEND: 1536
 05/09/11 ADOPT: 360, 363.1, 370 AMEND: 355 now 371, 356 now 361, 356.5 to 362, 357 now 363, 358 now 364, 360 now 366, 355.1 now 372, 359 now 365 REPEAL: 355.2
 04/28/11 ADOPT: 1131, 1132
 04/28/11 AMEND: 4150, 4151, 4152.1, 4153, 4154, 4155
 04/26/11 AMEND: 1306
 04/25/11 AMEND: 48.3
 04/25/11 AMEND: 600.1, 601.5, 602, 602.1, 603, 605, 607.4, 608.3, 627, 634, 635, 645
 04/15/11 ADOPT: 2007, 2010.05 AMEND: 2085.1
 04/14/11 AMEND: 70
 04/14/11 ADOPT: 2086, 2086.1, 2086.2, 2086.3, 2086.4, 2086.5, 2086.6, 2086.7, 2086.8, 2086.9
 04/12/11 AMEND: 1328
 04/11/11 AMEND: 404, 424, 425, 438 REPEAL: 460
 03/17/11 AMEND: 2260, 2266, 2282, 2282.1

Title 17
 06/30/11 AMEND: 2500, 2502, 2505
 06/30/11 AMEND: 6020, 6035, 6051, 6065, 6070, 6075
 06/17/11 ADOPT: 95356
 06/16/11 ADOPT: 95600, 95601, 95602, 95603, 95604, 95605, 95606, 95607, 95608, 95609, 95610, 95611, 95612
 06/08/11 ADOPT: 30108.1, 30226 AMEND: 30108, 30115, 30125, 30145, 30190, 30191, 30192, 30192.1, 30192.2, 30192.3, 30192.4, 30192.5, 30192.6, 30225, 30257 REPEAL: 30236
 05/19/11 AMEND: 93115.3, 93115.4, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.13
 04/21/11 AMEND: 7583

Title 18
 07/20/11 AMEND: 25106.5–11
 07/08/11 ADOPT: 2558.1
 06/22/11 AMEND: 1507

Title 19
 06/30/11 AMEND: 1160.10
 06/21/11 AMEND: 200, 201, 202, 204, 208, 209, 212
 05/12/11 ADOPT: 2991, 2992, 2993, 2993.1, 2994, 2994.1, 2995, 2995.1, 2996, 2996.1, 2997, 2998, 2999

Title 20
 05/09/11 ADOPT: 8.2 AMEND: 1.4, 1.5, 1.6, 1.8, 1.9, 1.10, 1.13, 1.15, 2.4, 2.5, 2.6, 3.1, 3.2, 4.1, 4.2, 4.3, 7.2, 8.1, 8.3, 8.4, 8.5, 8.6, 10.2, 13.7, 14.1, 14.2, 14.3, 14.5, 14.6, 16.1, 16.2, 16.6, Table of Filing Fees REPEAL: 8.5
 03/24/11 ADOPT: 2700, 2701, 2702, 2703, 2704

Title 22
 07/21/11 AMEND: 50035.5, 50145, 50179.5, 50183, 53845 REPEAL: 50245
 07/19/11 ADOPT: 64430
 06/29/11 AMEND: 51008.5
 06/23/11 ADOPT: 70058, 71054, 72094, 73092, 74650, 76138, 76831.1, 78094.1, 79063, 79570 AMEND: 70707, 70715, 71507, 71515, 72521, 72527, 73519, 73523, 74717, 74743, 76521, 76525, 76555, 76916, 76918, 78437, 79313, 79799
 05/17/11 ADOPT: 52100, 52101, 52102, 52103, 52104, 52500, 52501, 52506, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52600 AMEND: 52000,

	52502, 52503, 52504, 52505, 52507, 52516	06/21/11	ADOPT: 3959.4
05/12/11	AMEND: 1256–9, 1256–10	06/08/11	ADOPT: 3929.6
04/25/11	AMEND: 2708(c)–1	06/08/11	AMEND: 3006
04/21/11	AMEND: 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, Appendix 64465–E	05/31/11	ADOPT: 3939.39
04/12/11	AMEND: 66264.90, 66264.94, 66264.97, 66264.98, 66264.99, 66264.100, 66265.90, 66265.91, 66265.97, 66265.98, 66265.99	05/12/11	ADOPT: 3909.1
03/22/11	AMEND: 66250, 66250.1, 66250.2	05/06/11	ADOPT: 3939.38
		04/04/11	ADOPT: 3990
		03/17/11	ADOPT: 3949.7
Title 23		Title 25	
07/27/11	AMEND: 3939.19	08/02/11	AMEND: 6932
07/14/11	ADOPT: 3919.10	Title 27	
07/08/11	ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5	06/29/11	AMEND: 25805
07/05/11	ADOPT: 597, 597.1, 597.2, 597.3, 597.4	03/30/11	AMEND: 25805
		03/17/11	AMEND: 25801, 25803
		Title MPP	
		07/28/11	AMEND: 63–402.226
		06/02/11	AMEND: 31–002, 31–075, 31–206, 31–320, 31–505, 31–510